

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Del Fabro et al.	Docket No.:	8455.016.US0000
Application No.:	10/585,413	Examiner:	ADAMS
Filed:	7/7/2006	Art Unit:	3652
Customer No.:	77213	Confirmation No.:	5858

For: Feeder device for bars and relative feeding method

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY UNDER 37 C.F.R. §1.143

Sir:

This is a request for reconsideration of the restriction requirement mailed August 11, 2009.

In compliance with the requirements of 37 C.F.R. §1.143, applicants provisionally elect Group I with traverse. Group I, as indicated in the Office action, includes claims 1 - 17, drawn to a feeder device for bars. Applicants also elect the species depicted in Figures 1 - 5, and 9 - 10. The only claim that is specifically directed to the embodiment of Figures 6 and 7 is claim 17, which refers to the movable support (118). The other claims 1 to 16 can all be read on both the embodiments disclosed in the application.

Applicants respectfully traverse the requirement for restriction. The wrong law has been applied. The present application is a national stage entry of PCT/IB04/00894, which was filed on March 25, 2004. Thus, the appropriate legal standard regarding restriction is whether the international application relates to one invention only or to a group of inventions so linked as to form a single general inventive concept. (See PCT RULE 13.1).

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention is fulfilled when there is a technical relationship among those inventions involving one or more of the same or corresponding

special technical features. The expression “special technical features” means those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. (See PCT RULE 13.2).

Applicants respectfully submit the present invention properly relates to a single general inventive concept. Device independent claim 1 and method independent claim 18 are both directed to a system to feed metal bars, i.e. to pick up a bar at a time from a bundle and to position it on a desired position in an operating machine, by using two magnetic means. The combination of these technical features defines a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. Each embodiment of the claimed invention requires this combination, thus the requirement of unity of invention referred to in Rule 13.1 is fulfilled.

Favorable reconsideration and withdrawal of the restriction requirement is respectfully requested. In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner is welcome to contact the undersigned by phone to further the discussion.

Please charge any shortage in fees due in connection with the filing of this paper, including any shortage in Extension of Time fees, to Deposit Account 14.1437. Please credit any excess fees to such account.

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Date: Friday, September 11, 2009

Attorney Docket No. 8455.016.US0000
APV/MPB